



PUBLIC DEFENDER NEWS

Taking Stock

Harry Freebourn, Interim Director

I hope that you all are having a happy holiday season. I want to take a few moments to take stock of what we have accomplished over the last six months and provide some insight as to where we are going in the new year.

My September newsletter article mentioned three goals that would be my main focus. Here is an update.

GOAL 1: Fill key management positions.

I filled the following division administrator positions with long-term, seasoned OPD employees: Peter Ohman is the Public Defender Division Administrator, Chad Wright is the Appellate Defender Division Administrator, Dan Miller is the Conflict Defender Division Administrator, and Carleen Green is the Central Services Division Administrator. During the interview process, I stressed that each administrator would need to become a member of the OPD management team and be committed to make their divisions and the overall agency successful. I also emphasized that they would need to adopt and promote a point of view that the entire OPD system is important and not just a single division or office.

Two other key management positions have also been filled: Nate McConnell is the new Training Coordinator and Brett Schandelson is the new Contract and Quality Control Manager. Both individuals have come from outside the agency and will bring us new thinking and perspectives. Nate has provided contract public defender services for OPD and is a legislator representing Missoula HD 89. His role as Training Coordinator will also include providing legal advice to the director and managing agency communications. Look for more on Brett in Carleen's article.

GOAL 2: Develop operating plans and budgets for each division.

My team has developed operating plans and budgets for FY 2018 and 2019 (current and next fiscal year) for each division. Our division administrators will use these plans and budgets to serve their clients in a cost-effective manner.

Continued next page

Inside this issue

The Central Services Team	2
Restructuring the Conflict Division	4
Word Tips: Vertical Selections.....	6
Mastering JW: File Destruction ...	7

Special points of interest

- Billings PD Gives Back
- The More You Know—Resources
- My Email Landed Where?
- Winter Driving



Taking Stock (continued)

GOAL 3: Rewrite rules, policies and procedures.

My team has written or revised agency administrative rules, policies and procedures to reflect the new organizational structure of the agency. These rules, policies and procedures tell us how to operate in an efficient and effective manner to assure we are serving our clients in appropriate ways.

What will we work on this year? Our next major effort will be to provide training and direction to our new administrators as well as to all employees that serve in managerial or supervisory roles. We want to make sure that these individuals are focusing on the right goals and objectives to best serve our clients and achieve the mission of our agency. We will intensify the use of our quality control function to assure that our managers carry this training into their daily work lives.

We also need to address our funding shortfall. As the last legislative session ended, OPD was provided with funding for fiscal 2018 and 2019 that was \$4.5 million less per fiscal year than was expended in fiscal 2017. This requires that the agency prepare plans to address the deficit, and we will communicate these plans to all affected parties once they are finalized.

If you have questions or concerns, please email me at hfreebourn@mt.gov and we will work to respond to you.

The Central Services Team

Carleen Green, Central Services Division Administrator

Our agency has been through a lot of changes with the reorganization resulting from the implementation of HB 77. I am thrilled and honored to be a part of the new management team as the Central Services Division Administrator, and look forward to working with our Interim Director Harry Freebourn, and the other division administrators to accomplish the goals set forth by Harry in the September newsletter.

There are many facets to the Central Services team but the most important responsibility we have is to support all of you in ensuring OPD's clients are represented in the most effective and efficient way possible while adhering to state and OPD policies and procedures. Some of the other Central Services' functions include contract and quality control management; IT; investigative services supervision; office lease and motor pool management, risk management, accounts payable; accounts receivable; budgeting; state credit card management; internal controls; case management support; hardship eligibility determination and statutorily required reporting for the agency.



The newest Central Services team members are Don Templin and Brett Schandelson. Don is a long-time OPD employee and brings a wealth of experience to his new role as the Investigative Services Supervisor. Brett interned with OPD as a third year law student and has since been in private practice. He is leaving Tipp Coburn Schandelson PC as the managing shareholder and joins OPD on January 2. We look forward to his contributions in his new position as OPD's Contract/Quality Control Manager. We are currently developing position descriptions for the Central Services hardship eligibility specialists and will be recruiting for two positions to be located in the Butte Central Services Office in the near future.

My team and I look forward to working with all of you and wish you all a Happy New Year!

Did You Know?

Old MCAs Available Online

Looking for a previous version of the Montana Code Annotated? Maybe even one older than OPD? The Montana Legislature has versions going back to 1995 on their [website](#).

Interpreter Services

The State of Montana has a contract with CTS Language Link for interpreter services. OPD employees can access the information on OPD's [intranet](#) site.

Brief Bank

OPD's [Brief Bank](#) is available to attorneys who work for OPD, either as state employees or as contractors with a current Memorandum of Understanding. Contact [Peter Ohman](#) for more information.

Hands-Only CPR

Learn how to save a life with your bare hands with this Hands-Only CPR [video](#). You can also find local classes on DPHHS's Montana Heart Rescue [page](#), or print an instructional poster for your office (see page 8).



Billings PD Office Gives Back

The Billings Office of the State Public Defender recently provided over 100 sack lunches with turkey and cheese or ham and cheese sandwiches, chips, a can of soda, and other goodies for the kids at Tumbleweed. Office staff donated cash and food, and the wonderful group below donated their lunch hour to make the sack lunches.

Tumbleweed's [website](#) says, "[We] provide safety, assistance and hope to our community's vulnerable and homeless youth, creating lasting life changes." Some of the services Tumbleweed provides are 24/7 emergency services and an overnight drop-in center for runaway and homeless youth aged 14-24.

Thanks, Billings crew, for the many ways you make a difference in your community!



Sandwich builders! Clockwise: Margarita Pazos (seated), Brittany Hurst, Analicia Pianca, Jeannie Hazen, Vicki Gerber, Britton Frisbie, and Justina Goldhahn

May your walls know joy, may every room hold laughter and
may every window open to great possibilities.

~ Mary Anne Radmacha

Restructuring the Conflict Defender Division

Harry Freebourn, Interim Director

The Conflict Defender Division, also known as Division 3, is undergoing major restructuring to make it more efficient and productive. I have always believed that conflict services should be provided much like the Public Defender Division (Division 1). They do the same work in the same locations but with fewer cases, so their structures should be similar. The new conflict division structure will allocate each of the existing 11 regions in Division 1 to one of three conflict regions. The map on the next page shows a sample allocation of these regions (subject to change).

ADVANTAGES OF THIS STRUCTURE

Montana is a very large state, and trying to manage any entity from a centralized location is challenging at best. I believe that we will be in a better position to serve our clientele more effectively by allowing local managers in key locations to monitor and control the productivity of their resources more directly.

A COMPARISON BETWEEN DIVISIONS 1 AND 3

Division 3 has about 18% or 6,800 of the system's total cases compared to Division 1, with 82% of the system's total or about 32,000 cases. Division 3 has

9% of the agency's total FTE compared to Division 1's 77%. However, Division 3 has 23% of the total funding while Division 1 has 65%; this is because Division 3 must contract more cases due to the nature of handling conflicts.

RESOURCES

Each of Division 3's conflict regions will be allocated resources to serve their client base. It is estimated that each region will initially have roughly 2,200 cases, although over time these numbers may change. The total appropriation for Division 3 for FY 2018 is approximately \$7.3 million, which includes funding for personnel, contractors, rent and other costs. Each conflict region is projected to have a regional manager, an administrative assistant, investigator resources, staff attorneys and access to a contractor workforce (see the organization chart below.) The home office for Conflict Region A will be in Missoula, Conflict Region C has already established an office in Billings, and the location for Conflict Region B is still in the planning stage.

For more information, contact [Dan Miller](#), Conflict Defender Division Administrator.

DIVISION 3, CONFLICT DEFENDER DIVISION 26.5 FTE



Restructuring the Conflict Defender Division (continued)



- Region A:**
Missoula office, covering
geographic Regions 1, 2, 5
- Region B:**
Office location TBD, covering
geographic Regions 3, 4, 6, 8
- Region C:**
Billings office, covering
geographic regions 7, 9, 10, 11

OPD Conflict Regions

My Email Ended Up Where???



We frequently see both local and national news coverage of stories that include publication of government employees' embarrassing email messages. It is a good reminder for all of us as public employees that there is no right to privacy when using our state email accounts. If you don't want it on the front page (or forwarded to someone you didn't intend to read it), it should not be sent through your state email account.

- ◆ All messages created, sent or retrieved over the state's systems are the property of the State of Montana. Employees should not have expectations of privacy for **any** messages and should use their best judgment in sending confidential messages over the email system.
- ◆ The confidentiality notice that may be included in your signature at the bottom of outgoing email does not ensure that the information will be treated as private. It may still be public information, subject to public distribution.
- ◆ In drafting and sending email messages, employees should not include anything they are not prepared for the public to read. Email messages should resemble typical professional and respectful business correspondence.
- ◆ Communications sent or received by the email system may be "documents" under Article II, Section 9 of the Montana Constitution or public records under Section 2-6-101, MCA, and should be generated and maintained accordingly.
- ◆ Use of graphics in auto-signatures or other parts of messages or attachments should be avoided because they greatly increase the size of a message.
- ◆ Employees should use care and discretion when sending email to mailing lists and/or large groups. Sending a large file to multiple recipients could severely impact the network. Contact your network administrator for help with disseminating these types of documents.
- ◆ Personal use of the state's email system should be limited and brief.

See OPD [Policy 502, Computer Use](#) for more information.

Let's Be Careful Out There!



Winter driving in Montana can be pretty challenging. Although we *are* Montanans, we are not immune to winter driving hazards. The Risk Management and Tort Defense Division (RMTD) has some suggestions on improving safety in winter conditions.

Avoid vehicle problems. Make sure your vehicle has been inspected and serviced before

winter driving becomes a daily adventure. Replace wiper blades and maintain proper tire pressure throughout the season.

Avoid driving problems.

Check road conditions before you drive and avoid driving in bad weather if possible. (Call 511, check MDT's website or download their mobile app.)

Allow extra time, slow down and increase your following distance. Remember you should follow at least 3 seconds behind the vehicle in front of you in ideal conditions, and an extra second or more for every hazard due to weather, road conditions, or driver condition. Braking distance is up to 10 times further on snow or ice than on dry roads!

Avoid skids by turning the cruise control off on slippery roads, and braking and accelerating gradually. To steer out of a skid:

Take your foot off the gas

Don't brake!

Look where you want to go

Turn the wheel in that direction

Using your gas or brake pedals are likely to make the skid worse, not better. If you learned to "turn into the skid," that's fine—these steps will often result in the same effect, without having to know which way you are skidding.

Avoid traveling problems. Don't get stranded—stick to major highways when possible, where roads are more likely to be maintained and other drivers will see you if you break down. Share your travel agenda/route with someone you trust, and check in when you arrive safely. Monitor radio stations for weather and road updates, and keep your gas tank over half full. Carry blankets, winter clothing, high energy food, and a charged cell phone with a car charger in case you are trapped in a storm.

Avoid vehicle exit/entry problems. Maintain three-point contact with the vehicle and the ground at all times when entering or exiting a vehicle (one hand and two feet or two hands and one foot). Fill a plastic bottle with sand or kitty litter (not salt or ice melt, which take longer to work) and carry it with you to sprinkle on icy ground between the car and your destination.

RMTD periodically offers courses throughout the state on winter driving skills. Watch for announcements for a class near you, or check their schedule at

http://rmtdweb.doa.mt.gov/rmtd/RMTD_CTIS_TRAINING.training_list

Word Tips and Tricks

Make Vertical Text Selections

Usually, we select text horizontally — a word, a series of words, a paragraph — from left to right or vice versa. But sometimes the selection has to be vertical. For instance, suppose you wanted to delete the leading characters below.

□...Proper operation¶

□...Compatibility¶

□...Required connections¶

□...Port expansion¶

□...Onscreen display¶

□...Mount options¶

To make a vertical selection, hold down [Alt] as you drag down through the text you want to highlight. Hit [Delete] and bam, they're gone.

□...Proper operation¶

□...Compatibility¶

□...Required connections¶

□...Port expansion¶

□...Onscreen display¶

□...Mount options¶

Although we selected text at the beginning of the lines in this example, you can make vertical selections anywhere on the page.

Note: Some users have reported that the Research pane appears when they try this selection technique. Here's the secret: Release the [Alt] key *before* you let up on the mouse button. Word should retain the selection. If you hold down [Alt] but release the mouse button, Word may think "[Alt]-click" and open the Research pane in response.



Mastering JustWare: File Destruction



Each January OPD requests permission from the Secretary of State and the State Records Committee to destroy files that met the retention period during the previous calendar year. This includes both records that fall under the State's general schedules (correspondence—including e-mail, complaints, accounting records, etc.), and records that are part of our agency-specific retention schedule. These schedules, organized by file type ("record series"), have been approved by the State Records Committee and are legally binding on all formats of a record, paper or electronic. Our agency-specific record series are outlined in [Policy 107, Client File Retention](#).

It's important to be able to identify how many paper files you have of each type, either by color coding or filing by case type, because we must request permission to destroy paper files by number of boxes of each record series. When the destruction request has made it through the Records Committee and approval is granted, office managers and records coordinators in each office are notified that we have permission to destroy. They can then call the local shredding service to schedule the destruction, with the cost coming out of each office's budget.

We recently started the long and arduous process of destroying electronic files in JustWare, grinding through upwards of 90,000 cases that previously met the retention period. When the backlog is eliminated, electronic and paper files will both be destroyed when approval is received each year. The electronic case file will be deleted in its entirety, leaving no trace that it ever existed. Only the name record will remain, and there will be no way to recover the case file. This makes the accuracy of the File Destruction date that you enter in accordance with the agency retention schedule vital. Here

is a handy tool to help you apply the retention schedule.

Remember that we need to keep both paper and electronic records in an organizational structure and a format in which they can be found and retrieved throughout the retention period. If you need help or have any questions, contact [Marsha Parr](#) or [Cathy Doyle](#).

Marsha

File Destruction Made Easy

MISDEMEANOR	3 years
FELONIES:	
Deferred Sentence	2 years after end of deferral period, maximum 8 years
Deferred Prosecution	3 years after dismissal
Suspended	Completion of entire sentence including suspended portion
Commitment	5 years after judgment, or completion of sentence if earlier, regardless of parole status
Bench Warrants	Verify disposition with court if in-state; supersedes misdemeanor time frame.
REVOCATION	Reinstatement from original sentence date unless a new sentence is imposed
DISMISSED	3 years
ACQUITTED	1 year
JUVENILE	Age 25 (even if dismissed)
DN	Age 18, adopted or closed 5 years (even if dismissed)
MH or GUARDIANSHIP	5 years (even if dismissed)
RESCINDED	1 year
PRIVATE COUNSEL RETAINED AT OUTSET OF CASE	1 year
SUBSTITUTION OF COUNSEL	3 years
APPLICATIONS and APPOINTMENTS	3 years
DECEASED CLIENT	If prior to sentencing, 3 years after closing If after sentencing, based on case type and disposition

IF SOMEONE SUDDENLY COLLAPSES...



CALL 911

- Shake the person and shout, "Are you OK?"
- If others are with you, tell them to call 911 and find an AED
- If alone, call 911 and listen for further instructions.



PUSH HARD & FAST ON CHEST

- If the person is unconscious and not breathing normally (gasping, moaning), lie them on the floor face up
- Place one hand on top of the other on the center of the chest
- With straight arms, push **HARD** and **FAST** at a rate of 100 times per minute, allowing the chest to recoil each time
- Keep pushing until help arrives



USE AN AED

- If an AED is available, turn it on and follow the instructions
- Otherwise, continue CPR until help arrives.

NOTE: For unconscious children (age 8 or under), or for adult victims of drowning or choking, start regular CPR by pushing 30 times on the center of the chest followed by 2 mouth-to-mouth breaths. However, even in those cases, hands-only CPR is better than doing nothing.

Join others in your community and learn Adult Hands-Only Bystander CPR. The classes are free and take less than an hour. You can save someone's life.

Find classes in your area at <http://dphhs.mt.gov/publichealth/EMSTS/cardiaready/MontanaHeartRescueCPRTraining>